

December 4, 1996

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
700 Central Building
810 Third Avenue
Seattle, Washington 98104

REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL.

SUBJECT: Department of Natural Resources, Natural Resources Division File No.
E96CT006
Proposed Ordinance No. 96-856

Open Space Taxation (Public Benefit Rating System)
Application of ROBERT & LINDA PETERSEN

Location: 23015 SE 406th Street, Enumclaw

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions
Examiner:	Approve, subject to conditions

PRELIMINARY REPORT:

The Natural Resources Division Preliminary Report on Item No. E96CT006 was received by the Examiner on November 4, 1996.

PUBLIC HEARING:

After reviewing the Natural Resources Division's Report and examining available information on file with the application, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. E96CT006 was opened by the Examiner at 9:30 a.m., November 18, 1996, in Hearing Room No. 2, Department of Development and Environmental Services, 3600 - 136th Place SE, Bellevue, Washington, and closed at 9:35 a.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

- General Information:

Owner: Robert & Linda Petersen
23015 SE 406th Street
Enumclaw, WA 98022

Location: 23015 SE 406th Street, Enumclaw
Zoning: A10
Acreage:
Property Total: 10.00 acres
Subject to Application: 9.00 acres
Recommended: 9.00 acres
STR: NW-10-20-06
- Except as modified herein, the facts set forth in the Natural Resources Division's Preliminary

Report to the King County Hearing Examiner for the November 18, 1996, public hearing are found to be correct and are incorporated herein by reference. Copies of the Division Report will be attached hereto for submittal to the King County Council.

3. A complete application for current use open space classification was received by the Natural Resources Division prior to December 31, 1996. Notice for the November 18, 1996, public hearing on the application was published October 23, 1996, in the Enumclaw Courier Herald. The staff recommends that the application be granted 13 points under the King County Public Benefit Rating System.

CONCLUSIONS:

1. The conclusions stated in the Natural Resources Division's Preliminary Report to the Hearing Examiner for the November 18, 1996, public hearing are found to be correct and are incorporated herein by reference.
2. A timely application has been filed and proper legal notice published with respect to the current use assessment application.
3. The application concerns property which is open space land within the meaning of RCW 84.34.020.
4. The property is eligible for open space classification under the King County Public Benefit Rating System because it contains one or more priority open space resources. The conditions of approval recommended herein assure that the public benefits which provide the basis for reduction in tax assessment shall be maintained, preserved, conserved and continued for the economic and social well-being of King County and its citizens.
5. Based on the record, the application is entitled to a total public benefit rating of 13 points for 9.00 acres which results in a valuation of 40% of market value.

RECOMMENDATION:

APPROVE the request of ROBERT & LINDA PETERSEN for current use taxation (open space classification) with a public benefit rating of 13 points subject to the conditions stated below:

1. Within 30 days of the date of approval this application by the Metropolitan King County Council the Applicants shall sign an agreement which accepts the conditions of approval and meets the requirements of WAC 458-30-240.
2. The remaining conditions of approval are those stated in the Natural Resources Division's Staff Report (Exhibit No. 4).

RECOMMENDED this 4th day of December, 1996.

Stafford L. Smith, Deputy
King County Hearing Examiner

TRANSMITTED this 4th day of December, 1996, to the following parties and interested persons:

Robert & Linda Petersen

George Kritsonis, Tax Assessor's Office
Ted Sullivan, Natural Resources Division
Charlie Sundberg, Cultural Resources Division
Connie Walton, Natural Resources Division
Stephanie Warden, Metro King County Council Administration

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before December 18, 1996. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council on or before December 25, 1996. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE NOVEMBER 18, 1996 PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES FILE NO. E96CT006 - ROBERT & LINDA PETERSEN:

Stafford L. Smith was the Hearing Examiner in this matter. Ted Sullivan, of the Department of Natural Resources, participated in the hearing.

The following exhibits were offered and entered into the record:

Exhibit No. 1	Not offered
Exhibit No. 2	Not offered
Exhibit No. 3	Not offered
Exhibit No. 4	Department of Natural Resources, Natural Resources Division Preliminary Report to the King County Hearing Examiner for the November 18, 1996 public hearing
Exhibit No. 5	Introductory Ordinance to Council
Exhibit No. 6	Affidavit of Publication
Exhibit No. 7	Legal Notice to Council
Exhibit No. 8	Notification to Applicant of Hearing
Exhibit No. 9	Affirmation
Exhibit No. 10	Legal Description
Exhibit No. 10b	Legal Descriptions for designated-out portion
Exhibit No. 11	Assessor Map
Exhibit No. 12	King County Situs Report
Exhibit No. 13	Site map
Exhibit No. 14	Arcview Map
Exhibit No. 15	Metroscan Property Profile
Exhibit No. 16	Waterways 2000 Proposal/Evaluation
Exhibit No. 17	PBRs Property Contact
Exhibit No. 18	Notice of Hearing, Office of Hearing Examiner

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